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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/051,778	01/17/2002	Orhan Earl Beckman	10016640-1	2741

7590 04/27/2007
HEWLETT-PACKARD COMPANY
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EXAMINER

LETT, THOMAS J

ART UNIT	PAPER NUMBER
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2625

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/051,778	Applicant(s) BECKMAN ET AL.	
	Examiner Thomas J. Lett	Art Unit 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3,4,7-9,12,13 and 15-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3,4,7-9,12,13 and 15-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413) ,
Paper No(s)/Mail Date. <u>20070412</u> . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Response to Arguments

1. The Office Action of 29 November 2006 is hereby vacated in view of Applicant's telephonic arguments (see interview summary) presented on 23 March 2007. A new ground of rejection under 35 USC 102 is applied to claims 3, 4, 7-9, 12, 13, and 15-44 in this Office Action and statutory time for reply to this Office Action is restarted and will expire three months from the mailing of this Office Action.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 9,15, and 29 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. These claims recite the limitation "a program..." which is non-statutory. A program (or software) is functional descriptive material, and is only statutory when embodied in a computer readable medium (see MPEP 2106).

3. It is suggested that claims 9,15, and 29 be rewritten as shown below so that they meet the requirement under 35 USC 101:

"A computer-readable medium encoded with a control program for causing a computer to ...".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 2625

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 3, 4, 7-9, 12, 13, and 15-44 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Delorme et al (USPN 5,948,040 A).

Regarding claim 7, Delorme et al teach a method for generating a publication (col. 18, lines 25-39) comprising:

inputting an ephemeral interest (temporal events of interest (EOIs), col. 17, lines 25-26) into a client by scanning a travel itinerary (various methods can be used at a desktop pc 105 including a scanner or reader input, col. 14, lines 53-65) to generate a digital representation of the travel itinerary (examples of preferred output, col. 15, lines 33-49), the travel itinerary including the ephemeral interest, wherein the ephemeral interest is of use in identifying at least one content item to be included in the publication (e.g., travel plans, tickets, reservations, etc., see at least col. 15, lines 61-67 and col. 16, lines 1-5);

requesting the publication based at least in part upon the ephemeral interest from a publication system (from the Travel Reservation and Information System, "TRIPS", col. 6, lines 56-60); and

printing out the publication received from the publication system, the publication including the at least one content item (col. 15, lines 35-39).

Regarding claim 37, Delorme et al teach inputting a user identifier into the client (inputting individual profile with an inherent user name/identifier, see at least col. 61, lines 10-16. The database substructure ACCT depicted on FIG. 4 records users' "name, address, credit card numbers and other personal or business data" to allow entering the registered user status "by user password entry, or by equivalent means".).

Regarding claim 39, Delorme et al teach maintaining a user profile that includes a number of source ratings associated with a corresponding number of content item sources (using a ratings service 818, see at least col. 64, lines 56-67).

Regarding claim 40, Delorme et al teach adding a new one of the source ratings to the user profile based upon a content item feedback received from a client (using a ratings service 818, see at least col. 64, lines 56-67).

Regarding claim 41, Delorme et al teach determining whether a content item is to be excluded from the publication based upon a content item source rating associated with the content item (using a ratings service 818 to "prune" various parts, see at least col. 64, lines 56-67).

Regarding claim 8, Delorme et al teach a method for generating a publication (col. 18, lines 25-39), comprising:

inputting an ephemeral interest (temporal events of interest (EOIs), col. 17, lines 25-26) into a client by scanning a ticket to an event to generate a digital representation of the ticket (various methods can be used at a desktop pc 105 including a scanner or reader input, col. 14, lines 53-65), the ticket including the ephemeral interest, wherein the ephemeral interest is of use in identifying at least one content item to be included in the publication (the scan reader acts on a bar-code 147 indicating a content item such as a reservation 147 of Fig. 1B);

requesting the publication based at least in part upon the ephemeral interest from a publication system (requested from the Travel Reservation and Information System, "TRIPS", col. 6, lines 56-60); and

printing out the publication received from the publication system, the publication including the at least one content item (col. 15, lines 35-39).

Regarding claim 3, Delorme et al teach the method of claim 8, wherein the inputting of the ephemeral interest into the client further comprises:

inputting an ephemeral interest reference into the client (temporal events of interest (EOIs), col. 17, lines 25-26); and

obtaining the ephemeral interest from a reference mapper (from the "TRIPS" database) based upon the ephemeral interest reference.

Regarding claim 4, Delorme et al teach the method of claim 8, further comprising inputting a relative weight of the ephemeral interest into the client, the relative weight indicating a proportionality to be afforded to the ephemeral interest relative to an enduring interest in identifying the at least one content item to be included in the publication ("TRIPS" facilitates searching, ranking, "filters" or sorting and/or user-selection of TRIPS data records, col. 53, lines 38-44).

Regarding claim 38, Delorme et al teach the method of claim 8, further comprising inputting a user identifier into the client (inputting individual profile with an inherent user name/identifier, see at least col. 61, lines 10-16. The database substructure ACCT depicted on FIG. 4 records users' "name, address, credit card numbers and other personal or business data" to allow entering the registered user status "by user password entry, or by equivalent means".).

Regarding claim 42, Delorme et al teach the method of claim 8, further comprising maintaining a user profile that includes a number of source ratings associated with a corresponding number of content item sources (using a ratings service 818, see at least col. 64, lines 56-67).

Regarding claim 43, Delorme et al teach the method of claim 42, further comprising adding a new one of the source ratings to the user profile based upon a content item feedback received from a client (using a ratings service 818, see at least col. 64, lines 56-67).

Art Unit: 2625

Regarding claim 44, Delorme et al teach the method of claim 42, further comprising determining whether a content item is to be excluded from the publication based upon a content item source rating associated with the content item (using a ratings service 818 to “prune” various parts, see at least col. 64, lines 56-67).

Regarding claim 9, Delorme et al teach a program stored on a computer readable medium for generating a publication, comprising:

code that inputs an ephemeral interest, wherein the ephemeral interest is of use in identifying at least one content item to be included in the publication, and the ephemeral interest further comprises at least one portion of a travel itinerary (temporal events of interest (EOIs), col. 17, lines 25-26 and TRIPS travel plans often include related multiple screens, digital frames and/or pages or sheets of paper, for longer, more complicated, itineraries and/or to show more detail at the user's option, see at least FIG. 1B);

code that generates a request for the publication based at least in part upon the ephemeral interest (e.g., travel plans, tickets, reservations, etc., see at least col. 15, lines 61-67 and col. 16, lines 1-5) from a publication system, wherein the request is to be applied to the publication system (from the Travel Reservation and Information System, “TRIPS”, col. 6, lines 56-60); and

code that executes a printing of the publication received from the publication system, the publication including the at least one content item (col. 15, lines 35-39).

Regarding claim 12, Delorme et al teach the code that inputs a relative weight of the ephemeral interest into the client, the relative weight indicating a proportionality to be afforded to the ephemeral interest relative to an enduring interest in identifying the at least one content item to be included in the publication (“TRIPS” facilitates searching, ranking, “filters” or sorting and/or user-selection of TRIPS data records, col. 53, lines 38-44).

Regarding claim 13, Delorme et al teach the code that inputs the ephemeral interest further comprises code that parses an amount of data in a digital representation of a scanned document to identify the ephemeral interest included therein (the scan reader acts on a bar-code 147 indicating a content item such as a reservation 147 of Fig. 1B).

Regarding claim 15, Delorme et al teach a program stored on a computer readable medium for generating a publication, comprising:

code that inputs an ephemeral interest (e.g., travel plans, tickets, reservations, etc., see at least col. 15, lines 61-67 and col. 16, lines 1-5), wherein the ephemeral interest is of use in identifying at least one content item to be included in the publication, wherein the ephemeral interest further comprises at least one portion of a ticket to an event (e.g., travel plans, tickets, reservations, etc., see at least col. 15, lines 61-67 and col. 16, lines 1-5 and temporal events of interest (EOIs), col. 17, lines 25-26);.

code that generates a request for the publication based at least in part upon the ephemeral interest from a publication system, wherein the request is to be applied to the publication system (from the Travel Reservation and Information System, "TRIPS", col. 6, lines 56-60); and

code that executes a printing of the publication received from the publication system, the publication including the at least one content item (col. 15, lines 35-39).

Regarding claim 16, Delorme et al teach a system for generating a publication (Travel Reservation and Information System, "TRIPS", col. 6, lines 56-60), comprising:

means for inputting (various methods can be used at a desktop pc 105 including a scanner or reader input, col. 14, lines 53-65) an ephemeral interest (temporal events of interest (EOIs), wherein the ephemeral interest is of use in identifying at least one content item to be included in the publication, and the ephemeral interest comprising:

Art Unit: 2625

at least a portion of a travel itinerary, at least a portion of a ticket to an event, or both (e.g., travel plans, tickets, reservations, etc., see at least col. 15, lines 61-67 and col. 16, lines 1-5);

means for generating a request for the publication based at least in part upon the ephemeral interest from a publication system, wherein the request is to be applied to the publication system (from the Travel Reservation and Information System, "TRIPS", col. 6, lines 56-60); and

means for executing a printing of the publication received from the publication system, the publication including the at least one content item (col. 15, lines 35-39).

Regarding claim 17, Delorme et al teach a system for generating a publication (Travel Reservation and Information System, "TRIPS", col. 6, lines 56-60), comprising:

a processor circuit having a processor and a memory (processor, ample memory, col. 72, lines 44-50);

a point of publication system (Travel Reservation and Information System, "TRIPS", col. 6, lines 56-60) stored in the memory and executable by the processor, the point of publication system including:

logic that inputs an ephemeral interest, wherein the ephemeral interest is of use in identifying at least one content item to be included in the publication (temporal events of interest (EOIs), col. 17, lines 25-26), and the ephemeral interest comprising:

at least a portion of a travel itinerary, at least a portion of a ticket to an event, or both (TRIPS contains paper or sheet media maps, travel directions, itineraries or travel schedules, reservation/discount offer/ticket documents, supplemental text and/or graphic information about events of interest (EOI) or points of interest (POI) 109, col. 15, lines 35-39);

logic that generates a request for the publication based at least in part upon the ephemeral interest from a publication system, wherein the request is to be applied to the publication system (from the Travel Reservation and Information System, "TRIPS", col. 6, lines 56-60); and

logic that executes a printing of the publication received from the publication system, the publication including the at least one content item (col. 15, lines 35-39).

Regarding claim 18, Delorme et al teach a system of claim 17, wherein the logic that inputs the ephemeral interest further comprises logic that parses an amount of data in a digital representation of a scanned document to identify the ephemeral interest included therein (the scan reader acts on a bar-code 147 indicating a content item such as a reservation 147 of Fig. 1B).

Regarding claim 19, Delorme et al teach a system of claim 17, further comprising logic that inputs a relative weight of the ephemeral interest into the client, the relative weight indicating a proportionality to be afforded to the ephemeral interest relative to an enduring interest in identifying the at least one content item to be included in the publication ("TRIPS" facilitates searching, ranking, "filters" or sorting and/or user-selection of TRIPS data records, col. 53, lines 38-44).

Regarding claim 20, Delorme et al teach a method for generating a publication, comprising:

identifying a number of content items to be included in the publication, wherein at least some of the content items convey information associated with an ephemeral interest (temporal events of interest (EOIs), col. 17, lines 25-26), and the ephemeral interest comprising:

at least a portion of a travel itinerary, at least a portion of a ticket to an event, or both (TRIPS contains paper or sheet media maps, travel directions, itineraries or travel schedules, reservation/discount offer/ticket documents, supplemental text and/or graphic information about events of interest (EOI) or points of interest (POI) 109, col. 15, lines 35-39);

formatting the publication for printing (format controls, col. 27, lines 30-38) by a client; and transmitting the publication to the client for printing (col. 15, lines 35-39).

Regarding claim 21, Delorme et al teach a method of claim 20, wherein the identifying of the number of content items to be included in the publication further comprises performing a search among a number of potential content items for the content items that convey the information associated with the ephemeral interest (inquiries can be initiated in any of the four main input menus, then followed-up by later browsing or searches in any of the four related TRIPS Subsystems--with user selection of variations and options in focus, order, content, parameters, levels of detail, extent of integration between successive steps, automated versus manual execution of ensuing operations, accumulation, computerized filtering and/or user editing of the emerging travel information output, and so forth--in response to the travel-related concerns, interests and requirements of individual TRIPS users, col. 26, lines 18-28).

Regarding claim 22, Delorme et al teach a method of claim 20, further comprising maintaining a user profile that includes an enduring interest associated with a user (using a ratings service 818, see at least col. 64, lines 56-67).

Regarding claim 23, Delorme et al teach a method of claim 22, wherein the identifying of the number of content items to be included in the publication further comprises performing a search among a number of potential content items for the content items that convey information associated with both the ephemeral interest and the enduring interest (inquiries can be initiated in any of the four main input menus, then followed-up by later browsing or searches in any of

Art Unit: 2625

the four related TRIPS Subsystems--with user selection of variations and options in focus, order, content, parameters, levels of detail, extent of integration between successive steps, automated versus manual execution of ensuing operations, accumulation, computerized filtering and/or user editing of the emerging travel information output, and so forth--in response to the travel-related concerns, interests and requirements of individual TRIPS users, col. 26, lines 18-28).

Regarding claim 24, Delorme et al teach a method of claim 22, wherein the identifying of the number of content items for the publication further comprises:

performing a first search for a number of ephemeral content items conveying information associated with the ephemeral interest ("Where", col. 23, lines 1-3); and

performing a second search for a number of enduring content items conveying information associated with the enduring interest ("When", col. 23, lines 5-7).

Regarding claim 25, Delorme et al teach a method of claim 24, wherein the identifying of the number of content items for the publication further comprises identifying a first number of the ephemeral content items and a second number of enduring content items for inclusion in the publication based upon a relative weight established between the ephemeral and the enduring interests ("TRIPS" facilitates searching, ranking, "filters" or sorting and/or user-selection of TRIPS data records, col. 53, lines 38-44).

Regarding claim 26, Delorme et al teach a method of claim 20, further comprising maintaining a user profile that includes a number of source ratings (using a ratings service 818, see at least col. 64, lines 56-67) associated with a corresponding number of content item sources ("TRIPS" facilitates searching, ranking, "filters" or sorting and/or user-selection of TRIPS data records, col. 53, lines 38-44).

Art Unit: 2625

Regarding claim 27, Delorme et al teach a method of claim 26, further comprising adding a new one of the source ratings to the user profile based upon a content item feedback received from a client (using a ratings service 818, see at least col. 64, lines 56-67).

Regarding claim 28, Delorme et al teach a method of claim 26, further comprising determining whether a content item is to be excluded from the publication based upon a content item source rating associated with the content item (using a ratings service 818 to "prune" various parts, see at least col. 64, lines 56-67).

Regarding claim 29, Delorme teaches a program embodied in a computer readable medium (Travel Reservation and Information System, "TRIPS", col. 6, lines 56-60) for generating a publication, comprising:

code that identifies a number of content items to be included in the publication, wherein at least some of the content items convey information associated with an ephemeral interest (temporal events of interest (EOIs), col. 17, lines 25-26), and the ephemeral interest comprising:

at least a portion of a travel itinerary, at least a portion of a ticket to an event, or both (TRIPS contains paper or sheet media maps, travel directions, itineraries or travel schedules, reservation/discount offer/ticket documents, supplemental text and/or graphic information about events of interest (EOI) or points of interest (POI) 109, col. 15, lines 35-39);

code that formats the publication (format controls, col. 27, lines 30-38) for printing by a client; and

code that transmits the publication to the client for printing (col. 15, lines 35-39).

Regarding claim 30, Delorme et al teach a program embodied in a computer readable medium of claim 29, wherein the code that identifies the number of content items to be included in the publication further comprises code that performs a search among a number of potential content items for the content items that convey the information associated with the ephemeral

Art Unit: 2625

interest (inquiries can be initiated in any of the four main input menus, then followed-up by later browsing or searches in any of the four related TRIPS Subsystems--with user selection of variations and options in focus, order, content, parameters, levels of detail, extent of integration between successive steps, automated versus manual execution of ensuing operations, accumulation, computerized filtering and/or user editing of the emerging travel information output, and so forth--in response to the travel-related concerns, interests and requirements of individual TRIPS users, col. 26, lines 18-28).

Regarding claim 31, Delorme et al teach a program embodied in a computer readable medium of claim 29, further comprising code that maintains a user profile that includes an enduring interest associated with a user (using a ratings service 818, see at least col. 64, lines 56-67).

Regarding claim 32, Delorme et al teach a program embodied in a computer readable medium of claim 31, wherein the code that identifies the number of content items to be included in the publication further comprises code that performs a search among a number of potential content items for the content items that convey the information associated with both the ephemeral interest and the enduring interest (inquiries can be initiated in any of the four main input menus, then followed-up by later browsing or searches in any of the four related TRIPS Subsystems--with user selection of variations and options in focus, order, content, parameters, levels of detail, extent of integration between successive steps, automated versus manual execution of ensuing operations, accumulation, computerized filtering and/or user editing of the emerging travel information output, and so forth--in response to the travel-related concerns, interests and requirements of individual TRIPS users, col. 26, lines 18-28)..

Regarding claim 33, Delorme et al teach a program embodied in a computer readable medium of claim 29, further comprising code that adds a source rating to a user profile based

Art Unit: 2625

upon a content item feedback received from a client (using a ratings service 818, see at least col. 64, lines 56-67).

Regarding claim 34, Delorme et al teach a program embodied in a computer readable medium of claim 33, further comprising code that determines whether a content item is to be excluded from the publication based upon a respective one of a number of source ratings that is associated with the content item (using a ratings service 818 to “prune” various parts, see at least col. 64, lines 56-67).

Regarding claim 35, Delorme et al teach a system for generating a publication (Travel Reservation and Information System, “TRIPS”, col. 6, lines 56-60), comprising:

means for identifying a number of content items to be included in the publication, wherein at least some of the content items convey information associated with an ephemeral interest, and the ephemeral interest comprising: at least a portion of a travel itinerary, at least a portion of a ticket to an event, or both (TRIPS contains paper or sheet media maps, travel directions, itineraries or travel schedules, reservation/discount offer/ticket documents, supplemental text and/or graphic information about events of interest (EOI) or points of interest (POI) 109, col. 15, lines 35-39);

means for formatting (format controls, col. 27, lines 30-38) the publication for printing by a client; and means for transmitting the publication to the client for printing (col. 15, lines 35-39).

Regarding claim 36, Delorme teaches a system for generating a publication (Travel Reservation and Information System, “TRIPS”, col. 6, lines 56-60), comprising:

a processor circuit having a processor and a memory (processor, ample memory, col. 72, lines 44-50);

Art Unit: 2625

a publication system (Travel Reservation and Information System, "TRIPS", col. 6, lines 56-60) stored in the memory and executable by the processor, the publication system including:

logic that identifies a number of content items to be included in the publication, wherein at least some of the content items convey information associated with an ephemeral interest, and the ephemeral interest comprising: at least a portion of a travel itinerary, at least a portion of a ticket to an event, or both (TRIPS contains paper or sheet media maps, travel directions, itineraries or travel schedules, reservation/discount offer/ticket documents, supplemental text and/or graphic information about events of interest (EOI) or points of interest (POI) 109, col. 15, lines 35-39);

logic that formats the publication for printing by a client (format controls, col. 27, lines 30-38); and

logic that transmits the publication to the client for printing (col. 15, lines 35-39).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Lett whose telephone number is (571) 272-7464. The examiner can normally be reached on 8-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on (571) 272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2625

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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